

UNITED STATES DISTRICT COURT - DISTRICT OF NEW HAMPSHIRE

ANDRE BISASOR, Plaintiff,

v.

CRAIG S. DONAIS; RUSSELL F. HILLIARD; DONAIS LAW OFFICES, PLLC; UPTON &
HATFIELD, LLP; and MARY K. DONAIS, Defendants.

Case No.1:23-cv-00374-JL

**EMERGENCY/EXPEDITED MOTION TO EXTEND TIME TO FILE REPLY OR MOTION
TO REPLY TO OBJECTION TO THE MOTION TO REMAND FILED BY THE DONAIS
DEFENDANTS
AND
MOTION FOR CLARIFICATION**

1. I respectfully submit this request for an extension of time to file a reply or motion to reply to defendants' objection to the motion to remand to state court, filed by Craig Donais, Mary Donais and Donais Law Offices ("the Donais defendants").
2. Grounds are as follows.
3. I filed a motion to remand on 10/27/23. Also, on 10/30/23, I filed a refiled motion to remand (first filed in MA federal court) as a standalone document intended to accompany the 10/27/23 motion to remand, and then also I filed the separated exhibits for the 10/27/23 filed motion remand.
4. The Donais defendants filed an objection on 11/3/23.
5. If a reply is due in 7 days, it would fall on 11/10/23.
6. However, it is not clear to me whether under the rules, I have 7 days to file a reply or 14 days to file a reply.
 - a. I am confused regarding the rules for NH federal court. In one place it says I have 7 days to file a reply (or a motion for leave to file a reply). But then in another place, it says I have 14 days to file a reply when a magistrate judge is assigned. So, do I have 14 days or 7 days to file a reply or a motion for leave to file a reply in this case? I asked the clerk for clarification but have not received a response, as yet. Can the court please let me know what applies in this instance?
 - b. I am confused about what is the size limit for uploading files to the efilng system for NH federal court and whether it is different from the size limit in MA federal court. NB: I had a system error generated on Friday night of 10/27/23 where my filings were prevented from uploading files. It had to separate the motion from the exhibits in order to file part of the motion for

remand but was not able to upload the exhibits for the remand. I tried several times and versions including separating the files (including files that were able to be uploaded in MA federal court) but the error continued to be generated. As a result I had to spend the weekend trying to figure out resolving the error and I was only able to figure out how to get around the problem by the next business day on Monday morning 10/30/23 where I filed a prior motion to remand and exhibits for the motion to remand on 10/30/23. I filed a notice about this problem as well. However, I am not sure if I need to file a motion about this as well since the exhibits were filed on 10/30/23 and I want to make sure that the exhibits and prior motion are treated as together with the partial motion to remand that was filed on 10/27/23. I asked the clerk for clarification but have not received a response, as yet. Can the court please let me know if I need to formally file a motion about this separately?

c. Also, it is not clear to me whether a motion to remand is dispositive and thus whether I can simply file a reply or if I am required to file a motion to reply. Can the court please let me know whether I should file a reply or a motion to reply?

d. I am also therefore asking the court for clarification on the above confusing items.

7. In light of the above issues and confusion, I am requesting an extension of time of 14 days to file a reply or motion to file a reply.
8. This is a reasonable request under the circumstances.
9. Also, the court set a deadline yesterday (11/8/23) giving only two days' notice that a supplement to my objection to motion to dismiss is due tomorrow (11/9/23).
10. Because these **deadlines now fall on the same day**, I am not able to complete these deliverables at the same time and I thus need relief.
11. Furthermore, the Hilliard defendants have not yet responded to the motion to remand. They have 14 days from 10/27/23 to do so, which falls on tomorrow 11/10/23. I have reached out to the Hilliard defendants to find out if they intend to file an objection. I have not yet received any response. It is likely that the Hilliard

defendants will also file an objection. If/once they do, I will then have time to file an objection to that as well. Therefore, granting this motion will not affect any timelines in the case.

12. I also requested a hearing on this motion. I here reiterate my request for a hearing. Given the factual and disputed issues raised in the motion to remand, it is only proper that a hearing be scheduled on this matter. Furthermore, if this motion is in fact considered or to be treated as a dispositive motion (in the sense that it ends the case in federal court forever), then a hearing is that much more proper.
13. Please grant the relief requested.
14. I ask the court to issue an order on an expedited basis because a 7 day deadline, if applicable, would apply tomorrow.
15. Accordingly, I respectfully request that the Court allow this emergency/expedited motion.
16. I attempted in good faith to obtain concurrence from the defendants.

Respectfully submitted,

/s/ Andre Bisasor

Andre Bisasor

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November 9, 2023

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served to the defendants in this case.

/s/ Andre Bisasor

Andre Bisasor

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